

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MITCHELL WAX, Individually and on  
behalf of All Others Similarly Situated,

Plaintiff,

v.

CROSS RIVER BANK,

Defendant.

Case No. 2:24-cv-09510 (BRM) (JRA)

**STIPULATION AND [PROPOSED]  
ORDER SETTING BRIEFING  
SCHEDULE ON MOTION TO DISMISS**

Subject to the approval of the Court, plaintiff Mitchell Wax and defendant Cross River Bank (“CRB”), by their undersigned counsel, respectfully submit this stipulation and proposed order extending Cross River Bank’s time to respond to the complaint.

WHEREAS:

A. Plaintiff filed his complaint on September 27, 2024 (the “Complaint”). ECF No. 1. The Complaint asserts claims under the federal securities laws on behalf of a putative class. The action therefore is subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), including for the appointment of lead plaintiff and approval of lead plaintiff’s counsel and for the automatic stay of discovery during the pendency of motions to dismiss. *See* 15 U.S.C. § 78u-4.

B. On December 2, 2024, plaintiff filed a motion for appointment as lead plaintiff and approval of lead plaintiff’s counsel. ECF. No. 9.

C. On December 10, 2024, the Court entered a stipulation and order extending CRB’s time to respond to the Complaint until after entry of an order appointing lead plaintiff(s) and in accordance with an agreed-upon schedule to be approved by the Court. ECF No. 13.

D. On January 8, 2025, the Court entered an order granting plaintiff's motion for appointment as lead plaintiff. ECF No. 16. On January 23, 2025, the Court entered a stipulated scheduling order for the filing of any amended complaint or the designation of the Complaint as the operative complaint, and for the briefing of any motion to dismiss. ECF No. 18.

E. On February 6, 2025, plaintiff designated the Complaint as the operative complaint. ECF No. 19. Under the previously entered scheduling order, CRB's deadline to answer, move, or otherwise respond to the Complaint is currently March 24, 2025.

F. On February 28, 2025, CRB filed a letter requesting a pre-motion conference in accordance with the Court's judicial preferences, and plaintiff filed a responsive letter on March 7, 2025. ECF Nos. 20-22.

G. On March 14, 2025, the Court issued a text order determining that "a pre-motion conference would not be beneficial," and instructing the parties to move forward with the briefing of CRB's motion to dismiss. ECF No. 25.

H. The parties have conferred and have agreed to a modification of the previously agreed-upon schedule for the briefing of CRB's motion to dismiss.

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE, subject to the approval of the Court, as follows:

1. CRB shall file its motion to dismiss the Complaint on or before April 9, 2025.
2. Plaintiff shall file any opposition to CRB's motion to dismiss on or before May 28, 2025.
3. CRB shall file any reply in further support of its motion to dismiss on or before June 18, 2025.

4. This stipulation may be signed in counterparts by facsimile or electronic signature, with such facsimile or electronic signature having the same effect as an original signature for purposed of this stipulation.

Dated: March 14, 2025

ROSCA SCARLATO LLC

DLA PIPER LLP (US)

By: /s/ Paul J. Scarlato (with authorization)  
Paul J. Scarlato

By: /s/ Steven M. Rosato  
Steven M. Rosato

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*Attorneys for Plaintiff*

*Attorneys for Defendant  
Cross River Bank*

SO ORDERED:

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Hon. Jose R. Almonte  
United States Magistrate Judge